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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,565	11/17/1998	JAY PAUL DRUMMOND	D1077+2	2182

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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,877

Applicant(s)

AUSUBEL, LAWRENCE M.

Examiner

Pierre E. Elisca

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action is in response to Applicant's Supplemental/Brief, filed on 09/05/2003. Regarding the status of the claims in the instant application, the Examiner has made an updated search and found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 1-20 remain pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, 10-14 and 17-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wagner (U.S. Pat. No. 5,742,845) in view of Anderson et al. (U.S. Pat. No. 5,706,442).**

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As per claims 1, 10, 13, 14, 17-20, Wagner substantially discloses a data transaction systems which communicate with a plurality of remote terminals to transfer information used to complete a transaction. The transaction may include special purpose devices such as automatic teller machines (ATMS), point of sale terminals, credit card terminal (which is equivalent to Applicant's claimed invention wherein said an automated transaction machine located at a first location, see, abstract), including: at least one type of transaction function device, wherein the type transaction function device is selectively operative to carry out a transaction function (see., abstract, col 1, lines 14-57); a computer, wherein the computer is in operative connection with the transaction function device (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34); at least one transaction function device in the machine, wherein the at least one transaction function device includes at least one available transaction function device, wherein each respective available transaction function device is selectively operative to carry out a respective different type of transaction function (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34, col 7, lines 26-64, ATM performs different type of function).

It is noted that Wagner does not explicitly disclose wherein said software executable in the computer, wherein the software includes a browser, wherein the computer operates the browser to access an HTML document responsive to the type of the transaction

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function device in the machine (see., figs 1 and 2, col 2, lines 41-67, col 3, lines 48-60). However, Anderson discloses a system for on-line financial transaction services wherein a user may communicate with a financial application via a Web text markup language (HTML).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ATM's machine of Wagner by including a HTML as taught by Anderson because this would assist users or customers in a common level.

As per claims 2, 4, 5, Wagner discloses the claimed limitation, wherein the machine includes a plurality of types of transaction function devices, and wherein the computer operates the browser to access the document by generating an address and wherein at least a portion of the address is indicative of at least one of the types of transaction function devices included in the machine (see., figs 1 and 2, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34, col 7, lines 26-64, please note that ATM machine performs different type of functions).

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As per claims 3, 6, Wagner discloses the claimed limitation, wherein the type transaction function device includes a depository (see., abstract, col 1, lines 14-57, and lines 58-67, col 4, lines 21-34, col 7, lines 26-64, please note that ATM machine also includes a depository).

As per claims 11, 12, Wagner discloses the claimed limitation, wherein the accessing step includes accessing the first document at a first address, or accessing the second document at a second address (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34, col 7, lines 26-64, specifically col 3, lines 40-53).

4. Claims 7-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wagner in view of Anderson et al.

As per claim 7, Wagner substantially discloses a data transaction systems which communicate with a plurality of remote terminals to transfer information used to complete a transaction. The transaction may include special purpose devices such as automatic teller machines (ATMS), point of sale terminals, credit card terminal (which is equivalent to Applicant's claimed invention wherein said an automated transaction machine, see, abstract), including:

at least one type of transaction function device, wherein the type transaction function device is selectively operative to carry out a transaction function (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34, col 7, lines 26-64);

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a computer, wherein the computer is in operative connection with the transaction function device (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34, figs 1 and 2). It is obvious to recognize that ATM's machine also includes output device for dispensing cash or paper. It is noted that Wagner does not explicitly disclose wherein said software executable in the computer, wherein the software includes a browser, wherein the computer operates the browser to access an HTML document responsive to the type of the transaction function device in the machine (see., figs 1 and 2, col 2, lines 41-67, col 3, lines 48-60). However, Anderson discloses a system for on-line financial transaction services wherein a user may communicate with a financial application via a Web text markup language (HTML).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ATM's machine of Wagner by including a HTML as taught by Anderson because this would assist users or customers in a common level.

As per claims 8, 9, Wagner discloses the claimed limitation, wherein the one document includes instructions to operate at least one device, and wherein the computer is operate responsive to the one document to operate the device (see., abstract, col 1, lines 14-57 and lines 58-67, col 3, lines 40-67, col 4, lines 21-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wagner in view of Anderson.

As per claims 15 and 16, Wagner discloses a data transaction systems which communicate with a plurality of remote terminals to transfer information used to complete a transaction. The transaction may include special purpose devices such as automatic teller machines (ATMS), point of sale terminals, credit card terminal (which is equivalent to Applicant's claimed invention wherein said an automated transaction machine, see, abstract), including:

at least one type of transaction function device, wherein the type transaction function device is selectively operative to carry out a transaction function (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34);

a computer, wherein the computer is in operative connection with the transaction function device (see., abstract, col 1, lines 14-57 and lines 58-67, col 4, lines 21-34);

wherein a transaction function device includes a currency dispenser device in the machine, wherein the currency dispenser device is adapted to selectively dispense

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currency from the machine (see., Wagner, col 1, lines 34-57, specifically wherein said the remote terminal dispenses cash (for an ATM).

It is obvious to recognize that ATM's machine also includes output device for dispensing cash or paper.

It is noted that Wagner does not explicitly disclose wherein said software executable in the computer, wherein the software includes a browser, wherein the computer operates the browser to access an HTML document responsive to the type of the transaction function device in the machine (see., figs 1 and 2, col 2, lines 41-67, col 3, lines 48-60); However, Anderson discloses a system for on-line financial transaction services wherein a user may communicate with a financial application via a Web text markup language (HTML).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ATM's machine of Wagner by including a HTML as taught by Anderson because this would assist users or customers in a common level.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

February 23, 2004